

McCARTER & ENGLISH, LLP

Four Gateway Center

100 Mulberry Street

Newark, New Jersey 07102

(973) 622-4444

Attorneys for Defendant/Third-Party

Plaintiff Commonwealth Land Title Insurance Company

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

WALSH SECURITIES, INC.,

Plaintiff,

v.

Civil Action No. 97-cv-3496 (DRD) (MAS)

Honorable Dickinson R. Debevoise

CRISTO PROPERTY MANAGEMENT, LTD., a/k/a
G.J.L. LIMITED, DEK HOMES OF NEW JERSEY,
INC., OAKWOOD PROPERTIES INC.,
NATIONAL HOME FUNDING, INC., CAPITAL
ASSETS PROPERTY MANAGEMENT &
INVESTMENT CO., INC., CAPITAL ASSETS
PROPERTY MANAGEMENT, L.L.C., WILLIAM J.
KANE, GARY GRIESER, ROBERT
SKOWRENSKI, II, RICHARD CALANNI,
RICHARD DIBENEDETTO, JAMES R. BROWN,
THOMAS BRODO, RONALD J. PIERSON,
STANLEY YACKER, ESQ., MICHAEL ALFIERI,
ESQ., RICHARD PEPSNY, ESQ., ANTHONY M.
CICALESE, ESQ., LAWRENCE M. CUZZI,
ANTHONY D'APOLITO, DAP CONSULTING,
INC., COMMONWEALTH LAND TITLE
INSURANCE COMPANY, NATIONS TITLE
INSURANCE OF NEW YORK INC., FIDELITY
NATIONAL TITLE INSURANCE COMPANY OF
NEW YORK, COASTAL TITLE AGENCY,
DONNA PEPSNY, WEICHERT REALTORS, and
VECCHIO REALTY, INC. D/B/A MURPHY
REALTY BETTER HOMES and GARDENS,

Defendants.

and

COMMONWEALTH LAND TITLE INSURANCE
COMPANY

Defendant/Third-Party Plaintiff,

v.

ROBERT WALSH, JAMES WALSH and
ELIZABETH ANN DeMOLA,

Third-Party Defendants.

**AFFIDAVIT OF DAVID R. KOTT IN
OPPOSITION TO PLAINTIFF'S MOTION
(DOCUMENT 516 FILED 02/10/12)
AWARDING PLAINTIFF SETTLEMENT
FUNDS PAID BY DEFENDANT COASTAL
TITLE AGENCY**

STATE OF NEW JERSEY :
: ss:
COUNTY OF ESSEX :

DAVID R. KOTT, of full age, being duly sworn, according to law, upon his oath,
deposes and says:

1. I am a member of the Bar of the State of New Jersey and one of the attorneys for defendant Commonwealth Land Title Insurance Company ("Commonwealth") in this case. I made this Affidavit in opposition to a motion filed by plaintiff (Document 516 Filed 02/10/12) for an Order awarding plaintiff settlement funds paid by defendant Coastal Title Agency.

2. I attach hereto as Exhibit A a Business Errors or Omissions Liability Policy I received from Steven J. Polansky, Esq., an attorney retained by co-defendant Coastal Title Agency's insurer, General Star Indemnity Company, which has been produced in discovery in this case.

3. I attach hereto as Exhibit B an April 10, 1989 Agreement between Commonwealth and Coastal Title Agency Inc. which has been produced in discovery in this case.

4. I attach hereto as Exhibit C a November 1, 1996 Issuing Agency Agreement between defendant Fidelity National Title Insurance Company of New York and Coastal Title Agency, Inc., which has been produced in discovery in this case.

5. I attach hereto as Exhibit D a January 1, 1991 Agency Contract between TRW Title Insurance of New York Inc. and Coastal Title Agency, Inc., which has been produced in discovery in this case.

6. I attach hereto as Exhibit E a true and accurate copy of a closing service letter on behalf of Commonwealth to National Home Funding, Inc., with a signature line for Robert F. Agel of Coastal Title Agency, Inc., dated July 30, 1996, which has been produced in discovery in this case.

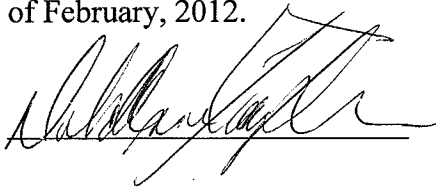
7. I attach hereto as Exhibit F a true and accurate copy of a closing service letter on behalf of Commonwealth to National Home Funding, Inc., with a signature line for Robert F. Agel of Coastal Title Agency, Inc., dated March 27, 1997, which has been produced in discovery in this case.

8. I attach hereto as Exhibit G a true and accurate copy of relevant portions of the transcript of the August 5, 2010 deposition of Robert Agel, which has been produced in discovery in this case.



DAVID R. KOTT

Sworn and subscribed to
before me this 21 day
of February, 2012.



DEBRA ANNE KAUFMAN
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 12/01/2015